

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**UNITED STATES OF AMERICA**

**PLAINTIFF**

**VS.**

**CAUSE NO. 4:11-cr-111-001**

**ANN JEFFERSON**

**DEFENDANT**

**ORDER**

This matter is before the Court on the motion of Kelly Wuestenhoefer who is a plaintiff in a related civil matter, *United States, Ex Rel: Kelly Nicole Wuestenhoefer v. Jefferson et al.*, Civil Action #4:10-cv-00012-MPM-JMV. Here, Ms Wuestenhofer seeks to compel the release of evidence (#86) from the United States Attorney for the Northern District of Mississippi which is said to have been gathered and held in this criminal action. The court does not find this motion to be well taken for the subsequent reasons.

In the first instance, as the Movant is not a party to this criminal matter, she does not have standing to make the request in this action. Further, the court does not believe a motion for general release of evidence is the proper avenue for resolution of this issue in any event. Instead, a subpoena for production is the appropriate vehicle for discovery from a non-party. Unless the party on whom the subpoena is served seeks relief from the subpoena, it is obligated to respond to the subpoena as it would be obligated to respond to any other court order. In the event that the United States seeks to object to a subpoena, whether by protective order or motion to quash, the court will consider that matter should it come to fruition.

IT IS, THEREFORE, ORDERED that the motion to release evidence (#86) is DENIED.

SO ORDERED, this the 20<sup>th</sup> day of December, 2012.

Jane M. Virden  
MAGISTRATE JUDGE